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7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-118

12 LINDA RAE ROMINE
7213 E. Eastview Drive
13 Tuscon, AZ 85710

**DEFAULT DECISION
AND ORDER**

14 Registered Nurse License No. 564969

[Gov. Code, §11520]

15 Respondent.
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17 **FINDINGS OF FACT**

18 1. On or about October 5, 2007, Complainant Ruth Ann Terry, M.P.H., R.N.,
19 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs, filed Accusation No. 2008-118 against Linda Rae Romine (Respondent)
21 before the Board of Registered Nursing.

22 2. On or about March 10, 2000, the Board of Registered Nursing (Board)
23 issued Registered Nurse License No. 564969 to Respondent. The Registered Nurse License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 February 28, 2008, unless renewed.

26 3. On or about October 15, 2007, Donna H. Parker, an employee of the
27 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
28 2008-118, Statement to Respondent, Notice of Defense, Request for Discovery, and Government

1 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
2 which was and is 7213 E. Eastview Drive, Tuscon, AZ 85710. A copy of the Accusation is
3 attached as exhibit A, and are incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the
5 provisions of Government Code section 11505, subdivision (c).

6 5. On or about October 23, 2007, our office received the U.S. Postal Service
7 return receipt card signed by Linda Romine. The documents sent via regular mail were not
8 returned.

9 6. Government Code section 11506 states, in pertinent part:
10 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
12 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
13 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

14 7. Respondent failed to file a Notice of Defense within 15 days after service
15 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
16 Accusation No. 2008-118.

17 8. California Government Code section 11520 states, in pertinent part:
18 "(a) If the respondent either fails to file a notice of defense or to appear at the
19 hearing, the agency may take action based upon the respondent's express admissions or
20 upon other evidence and affidavits may be used as evidence without any notice to
21 respondent."

22 9. Pursuant to its authority under Government Code section 11520, the Board
23 finds Respondent is in default. The Board will take action without further hearing and, based on
24 Respondent's express admissions by way of default finds that the allegations in Accusation No.
25 2008-118 are true.

26 10. The total costs for investigation and enforcement are \$716.75 as of
27 December 26, 2007.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Linda Rae Romine
3 has subjected her Registered Nurse License No. 564969 to discipline.

4 2. A copy of the Accusation is attached.

5 3. The agency has jurisdiction to adjudicate this case by default.

6 4. The Board of Registered Nursing is authorized to revoke Respondent's
7 Registered Nurse License based upon the following violations alleged in the Accusation:

8 a. Respondent is subject to disciplinary action pursuant to Code
9 section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, based upon
10 the following discipline by the Arizona State Board of Nursing ("Arizona Board"):

11 1. On or about July 19, 2006, pursuant to the Findings of Fact,
12 Conclusions of Law and Order No. 05A-0407059-NUR ("Findings of Fact") issued by
13 the Arizona Board, in the disciplinary proceeding titled *In the Matter of the Disciplinary*
14 *Action Against Professional Nurse License No. RN090488 Issued to: Linda Rae Romine*,
15 Respondent's license was revoked. The revocation was stayed and Respondent's license
16 was placed on probation for twelve (12) months on terms and conditions and then placed
17 on probation for an additional twenty-four (24) months. The revocation of Respondent's
18 license was stayed for as long as she remained in compliance with the terms and
19 conditions of the Order.

20 2. On or about October 16, 2006, pursuant to the Notice of Revocation
21 ("Revocation") issued by the Arizona Board in the above-stated disciplinary proceeding,
22 Respondent's privilege to practice nursing was revoked. Respondent could apply for
23 reinstatement of her license after a period of five years.

24 ORDER

25 IT IS SO ORDERED that Registered Nurse License No. 564969, heretofore
26 issued to Respondent Linda Rae Romine, is revoked.

27 Pursuant to Government Code section 11520, subdivision (c), Respondent may
28 serve a written motion requesting that the Decision be vacated and stating the grounds relied on

1 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
2 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
3 statute.

4 This Decision shall become effective on March 24, 2008.
5 It is so ORDERED February 22, 2008

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8 LaTranene W. Tate
FOR THE BOARD OF REGISTERED NURSING

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10 DEPARTMENT OF CONSUMER AFFAIRS

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15 10413809.wpd
16 DOJ docket number: SA2007101976

17 Attachments:

18 Exhibit A: Accusation No.2008-118
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Exhibit A

Accusation No. 2008-118

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2008-118

13 LINDA RAE ROMINE
7213 E. Eastview Drive
14 Tucson, AZ 85710

A C C U S A T I O N

15 Registered Nurse License No. 564969

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about March 10, 2000, the Board issued Registered Nurse License
24 Number 564969 to Linda Rae Romine ("Respondent"). Respondent's registered nurse license
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 February 28, 2008, unless renewed.

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5. Code section 2761, subdivision (a)(4), states that the Board may take disciplinary action against a certified or licensed nurse for unprofessional conduct, which includes, but is not limited to, denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 7. Respondent is subject to disciplinary action pursuant to Code section
4 2761, subdivision (a)(4), on the grounds of unprofessional conduct, based upon the following
5 discipline by the Arizona State Board of Nursing ("Arizona Board"):

6 a. On or about July 19, 2006, pursuant to the Findings of Fact, Conclusions
7 of Law and Order No. 05A-0407059-NUR ("Findings of Fact") issued by the Arizona Board, in
8 the disciplinary proceeding titled *In the Matter of the Disciplinary Action Against Professional*
9 *Nurse License No. RN090488 Issued to: Linda Rae Romine*, Respondent's license was revoked.
10 The revocation was stayed and Respondent's license was placed on probation for twelve (12)
11 months on terms and conditions and then placed on probation for an additional twenty-four (24)
12 months. The revocation of Respondent's license was stayed for as long as she remained in
13 compliance with the terms and conditions of the Order. A true and correct copy of the Findings
14 of Fact is attached as Exhibit "A" and incorporated herein by reference.

15 b. On or about October 16, 2006, pursuant to the Notice of Revocation
16 ("Revocation") issued by the Arizona Board in the above-stated disciplinary proceeding,
17 Respondent's privilege to practice nursing was revoked. Respondent could apply for
18 reinstatement of her license after a period of five years. A true and correct copy of the
19 Revocation is attached as exhibit "B" and incorporated herein by reference.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein
22 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 564969, issued
24 to Linda Rae Romine;


25 2. Ordering Linda Rae Romine to pay the Board of Registered Nursing the
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
27 Professions Code section 125.3; and

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3. Taking such other and further action as deemed necessary.

DATED: 10/5/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER NO. 05A-0407059-NUR

ARIZONA STATE BOARD OF NURSING
4747 North 7th Street Ste 200
Phoenix AZ 85014
602-889-5150

IN THE MATTER OF PROFESSIONAL
NURSE LICENSE NO. RN090488
ISSUED TO:

LINDA RAE ROMINE,
Respondent.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER NO. 05A-0407059-NUR

On July 19, 2006, the Arizona State Board of Nursing ("Board") considered the State's Motion to Deem Allegations Admitted and Respondent's Response to the Motion, if any, at the Arizona Board of Nursing, 4747 North 7th Street, Suite 200, Phoenix Arizona 85014. Michelle L. Wood, Assistant Attorney General, appeared on behalf of the State. Respondent was not present and was not represented by counsel.

On July 19, 2006, the Board granted the State's Motion to Deem Allegations Admitted. Based upon A.R.S. § 32-1664(I) and the Complaint and Notice of Hearing No. 05A-0407059-NUR filed in this matter, the Board adopts the following Findings of Fact and Conclusions of Law, and issues an Order for a 12 month Stayed Revocation/Probation with terms and conditions, followed by a 24 month Standard Probation with terms and conditions against Respondent's license.

FINDINGS OF FACT

1. The Arizona State Board of Nursing ("Board") has the authority to regulate and control the practice of nursing in the State of Arizona, pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664. The Board also has the authority to impose disciplinary sanctions against the holders of nursing licenses/nursing assistant certificates for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to - 1667.

1 2. Linda Rae Romine ("Respondent") holds Board issued professional nurse license
2 number RN090488 in the State of Arizona.

3 3. On or about January 21, 2001, according to Tucson Police Department records, police
4 were called to Respondent's residence following an attempted suicide. Respondent is reported to have
5 taken large amounts of Celexa and Seroquel and was transported to Kino Hospital for treatment.
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7 4. On or about August 16, 2003, according to Tucson Police Department record
8 #0308160018, Respondent was arrested for driving under the influence ("DUI"). During the arrest a
9 half bottle of Barcardi Rum was found on the floor of the vehicle near the passenger side. According
10 to the report, Respondent had a BAC of .158.
11

12 5. On or about March 24, 2004, according to Tucson Municipal Court record #03071118,
13 Respondent was convicted of DUI, a misdemeanor, and sentenced to 3 days in jail, suspension of
14 license, alcohol screening, required to pay court fees and 12 months unsupervised probation.
15

16 6. On or about June 8, 2004, Respondent answered "no" on her RN renewal application to
17 the following question: "Since your last renewal have you had any drug or alcohol related
18 convictions?" Respondent failed to disclose her March 24, 2004 misdemeanor DUI conviction.
19

20 7. From on or about March, 2004 until June, 2004, Respondent was employed at Trinity
21 Healthcare Staffing in Florence, North Carolina.

22 8. From on or about May 9, 2004, Respondent was assigned to work a 13 week contract at
23 West Valley Hospital; in Goodyear, Arizona. From on or about June 6, 2004 to June 8, 2004, it was
24 discovered that Respondent removed narcotics for patients and failed to document appropriately in the
25 medical record. Respondent removed medications, but significant time elapsed before she
26 documented administering the medication.
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1 9. On or about June 9, 2004, Respondent was requested by Ron York, the nurse recruiter
2 for Trinity Healthcare Staffing, to have a urine drug screen ("UDS") completed by 5:00 p.m. at
3 Concentra Medical Systems in Phoenix, Arizona. Respondent failed to follow the instructions.
4 Instead, Respondent went to Concentra Health Services in Tucson, Arizona on June 10, 2004, and
5 completed the test at 1155 and failed to notify her employer. The results of the UDS were negative,
6 but tests were completed hours after initial request. Respondent's explanation for the delay is that she
7 was exhausted and had no energy on June 9, 2004, so she drove to Tucson in the middle of the night.
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9 10. On or about June, 2004, Respondent as terminated from Trinity Healthcare Staffing.
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12 **CONCLUSIONS OF LAW**
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14 1. The conduct and circumstances alleged in the Findings of Fact constitute violations of
15 A.R.S. § 32-1663(D) as defined in A.R.S. § 32-1601 (16)(d) and (j), and A.A.C. R4-19-403 (1), (5),
16 (6) and (25) (adopted effective July 19, 1995).
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18 2. The conduct and circumstances described in the Findings of Fact constitute
19 unprofessional conduct pursuant to A.R.S. § 32-1601(16)(d), (any conduct or practice that is or might
20 be harmful or dangerous to the health of a patient or the public), and is grounds for disciplinary action
21 pursuant to A.R.S. § 32-1663 and § 32-1664.
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23 3. The conduct and circumstances described in the Findings of Fact constitute
24 unprofessional conduct pursuant to A.R.S. § 32-1601(16)(j), (violating a rule that is adopted by the
25 board pursuant to this chapter, specifically, A.A.C. R4-19-403 (1), [a pattern of failure to maintain
26 minimum standards of acceptable and prevailing nursing practice], and is grounds for disciplinary
27 action pursuant to A.R.S. § 32-1663 and § 32-1664.
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1 4. The conduct and circumstances described in the Findings of Fact constitute
2 unprofessional conduct pursuant to A.R.S. § 32-1601(16)(j), (violating a rule that is adopted by the
3 board pursuant to this chapter, specifically, A.A.C. R4-19-403 (5), [failing to maintain for each patient
4 a record which accurately reflects the nursing care and treatment provided to a patient], and is grounds
5 for disciplinary action pursuant to A.R.S. § 32-1663 and § 32-1664.
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7 5. The conduct and circumstances described in the Findings of Fact constitute
8 unprofessional conduct pursuant to A.R.S. § 32-1601(16)(j), (violating a rule that is adopted by the
9 board pursuant to this chapter, specifically, A.A.C. R4-19-403 (6), [failing to take appropriate action to
10 safeguard a patient's welfare or to follow policies and procedures of the nurse's employer designed to
11 safeguard the patient], and is grounds for disciplinary action pursuant to A.R.S. § 32-1663 and § 32-
12 1664.
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15 6. The conduct and circumstances described in the Findings of Fact constitute
16 unprofessional conduct pursuant to A.R.S. § 32-1601(16)(j), (violating a rule that is adopted by the
17 board pursuant to this chapter, specifically, A.A.C. R4-19-403 (12), [a pattern of use or being under the
18 influence of alcoholic beverages, medications, or other substances to the extent that judgment may be
19 impaired and nursing practice detrimentally affected, or while on duty in any health care facility,
20 school, institution, or other work location], and is grounds for disciplinary action pursuant to A.R.S. §
21 32-1663 and § 32-1664.
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24 7. The conduct and circumstances described in the Findings of Fact constitute
25 unprofessional conduct pursuant to A.R.S. § 32-1601(16)(j), (violating a rule that is adopted by the
26 board pursuant to this chapter, specifically, A.A.C. R4-19-403 (14), [falsifying or making materially
27 incorrect, inconsistent, or unintelligible entries in any patient records or in the records of any health
28 care facility, school, institution, or other work place location, pertaining to the obtaining, possessing, or
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1 administration of any controlled substance as defined in the federal Controlled Substance Act, 21
2 U.S.C. 801 et seq., or Arizona's Uniform controlled Substance Act, A.R.S. Title 36, Chapter 27], and is,
3 grounds for disciplinary action pursuant to A.R.S. § 32-1663 and § 32-1664.
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5 8. The conduct and circumstances described in the Findings of Fact constitute
6 unprofessional conduct pursuant to A.R.S. § 32-1601(16)(j), (violating a rule that is adopted by the
7 board pursuant to this chapter, specifically, A.A.C. R4-19-403 (25), [practicing in any other manner
8 which gives the Board reasonable cause to believe that the health of a patient or the public may be
9 harmed], and is grounds for disciplinary action pursuant to A.R.S. § 32-1663 and § 32-1664.
10

11 ORDER

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13 In view of the above Findings of Fact and Conclusions of Law, the Board issues the following
14 Order:

15 A. Respondent's professional nurse license number RN090488 is hereby revoked;
16 however, the revocation is stayed for as long as Respondent remains in compliance with this Order.
17 During the stay of the revocation, Respondent's professional nurse license number RN090488 is placed
18 on a stayed revocation/probation for 12-months with terms and conditions, followed by a standard
19 probation for 24-months. Before termination of this Order, Respondent shall work as a professional
20 nurse for a minimum of 36-months (not less than sixteen hours a week).
21

22 B. If Respondent is non-compliant with any of the terms of the Order during the 12-
23 month stayed revocation period, the stay of the revocation shall be lifted and Respondent's
24 license shall be automatically revoked for a period of five years. The Board or its designee, in its
25 sole discretion, shall determine noncompliance with the stayed portion of the Order.
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1 C. If Respondent is noncompliant with any of the terms of the Order during the 24-month
2 standard probation portion of the Order, Respondent's noncompliance shall be reviewed by the Board
3 for consideration of possible further discipline on Respondent's nursing license.

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5 D. At any time Respondent is required by terms of the Order to provide a copy of the Order
6 to another individual or facility the Respondent must provide all pages of the Order.

7 E. If Respondent is convicted of a felony, Respondent's license shall be automatically
8 revoked for a period of five years.

9
10 F. The stayed revocation/probation and probation are subject to the following terms and
11 conditions:

12 **TERMS OF PROBATION (Stayed and Non-Stayed Revocation)**

13 1. **Stamping of License**

14 Within seven days of the effective date of this Order, Respondent shall submit her
15 license to be stamped "PROBATION." While this Order is in effect, if the Board issues any
16 certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or
17 license shall also be stamped "PROBATION." Respondent is not eligible for a multistate
18 "Compact" license.
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21 2. **Rehabilitation Program**

22 Within 7 days of the effective date of this Order, Respondent shall enter and
23 successfully complete a State licensed chemical dependency rehabilitation program. Upon entry,
24 Respondent shall sign release of information forms allowing the program to inform the Board of
25 Respondent's entry, progress in and discharge or termination from the program. Within (7) days of the
26 completion of the program, Respondent shall cause the program director to provide the Board with
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1 documentation confirming Respondent's completion of the program and treatment recommendations.

2 The Board or its designee may amend this Order based on the treatment programs recommendations.

3 3. Aftercare Program

4 Within 7 days of completing a chemical dependency rehabilitation program, Respondent
5 shall enroll in and successfully complete a state licensed chemical rehabilitation aftercare program.

6 Upon entry, Respondent shall sign release of information forms allowing the program to inform the
7 Board of Respondent's entry, progress in and discharge or termination from the program. Respondent
8 shall cause the program to provide to the Board, in writing and on the Board-approved form, evidence
9 of satisfactory progress in the program, as well as discharge or termination from the program. Such
10 reports are due beginning on the first quarterly reporting date after entry into the program and quarterly
11 thereafter according to schedule, until completion of the aftercare program. Within (7) days of the
12 completion of the program, Respondent shall cause the program director to provide the Board with
13 documentation confirming Respondent's completion of the program and any additional treatment
14 recommendations.

15 4. Relapse Prevention Therapy

16 Within thirty days of the effective date of this Order, Respondent shall enter a Board
17 approved Relapse Prevention Therapy Program. Respondent shall immediately execute the appropriate
18 release of information form(s) to allow the facilitator to communicate information to the Board or its
19 designee, and Respondent shall immediately provide a copy of this Order to include Findings of Fact
20 and Conclusions of Law to the facilitator. Within seven days of entering treatment, Respondent shall
21 cause the facilitator to submit to the Board written verification of Respondent's enrollment in the
22 Program, and verification of receipt of Respondent's entire Order. Thereafter, Respondent shall cause
23 the facilitator to provide quarterly reports to the Board according to the quarterly reporting schedule
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1 assigned to Respondent. Respondent shall continue undergoing treatment until the facilitator provides
2 written notification to the Board, indicating that treatment is no longer needed. The Board reserves the
3 right to amend the Order based on recommendation(s) of treating professional(s).

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5 5. Nurse Recovery Group

6 Within seven days of the completion of a Rehabilitation Program, Respondent shall
7 enroll in a Board-acceptable Nurse Recovery Group if a group is available within forty miles.
8 Respondent shall sign release of information forms allowing the group facilitator to inform the Board,
9 in writing and on letterhead, of Respondent's entry and progress in the group. Respondent shall attend
10 a Nurse Recovery Group once per week and have no "Unexcused" absences or "No call/No show"
11 occurrences.
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13 6. Participation in AA/NA

14 (a) Within seven days of the effective date of this Order, and throughout the term
15 of this Order, Respondent shall participate at least weekly, or as recommended by the Rehabilitation
16 Program, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall submit
17 to the Board, in writing on Board-approved forms, quarterly reports which are initialed by his/her
18 sponsor. The first report is due by the end of the first month after the effective date of the Order, and
19 quarterly thereafter according to the assigned reporting dates.
20

21 (b) Respondent shall obtain a temporary sponsor, if participating in a twelve-step
22 program, within thirty days of the effective date of this Order and a permanent sponsor within sixty to
23 ninety days. Respondent shall maintain a sponsor relationship throughout the terms of this Order.
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25 7. Drug Testing

26 Within 7 days of the effective date of this Order, Respondent shall enroll in a program
27 that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of
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1 once per month and may be required more frequently as requested by the Board or its designee.
2 Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test
3 before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due
4 to illness, Respondent must provide in writing within 7 days of the missed specimen, documentation
5 from a medical provider who has personally seen Respondent on the day of the requested drug test
6 confirming that Respondent was not physically able to report to the laboratory for drug testing. In
7 addition, any occurrence of the following conditions constitutes noncompliance: a positive drug test
8 showing evidence of any drug other than an authorized drug; submission of a specimen where the
9 integrity has been compromised, as indicated by the presence of adulterants; failure to submit to a drug
10 test on a day when a drug test has been requested by either the Board, its designee, or the laboratory;
11 and submission of a urine sample that is below the acceptable volume or temperature to be tested. A
12 positive drug test showing evidence of any drug other than an authorized drug shall result in immediate
13 notification of Respondent's employer by the Board.
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17 8. Abstain from Alcohol Use

18 Respondent shall completely abstain from the use of alcohol.

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20 9. Abstain from Unauthorized Drug Use/Proof of Prescription

21 Respondent shall completely abstain from the use or possession of controlled
22 substances, and dangerous drugs as defined by law, or any drugs requiring a prescription.

23 Orders prohibiting Respondent from personal use or possession of controlled substances
24 or dangerous drugs do not apply to medications lawfully prescribed to Respondent for an illness or
25 condition by a medical provider. During the duration of this Order, Respondent shall select one
26 medical provider to coordinate her health care needs and to be aware of all prescriptions utilized.
27 Within 7 days of the effective date of this Order, Respondent shall cause all medical providers who
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1 have prescribed medications which are currently being used by Respondent daily or on an as needed
2 basis to provide in writing, on letterhead, verification of knowledge of Respondent's history of
3 substance use, awareness of Respondent's Order with the Board, and documentation of current
4 medications prescribed for Respondent. Respondent shall execute all release of information form(s) as
5 required by the Board or its designee so that Respondent's medical providers shall be able to
6 communicate information with the Board. Prior to receiving treatment from any other medical
7 provider(s), Respondent shall notify the medical provider(s) of Respondent's history of substance use
8 and of the existence of the Order. DURING THE COURSE OF THE ORDER RESPONDENT
9 SHALL CAUSE ANY AND ALL PROVIDERS TO NOTIFY THE BOARD OF THEIR
10 AWARENESS OF RESPONDENT'S HISTORY OF SUBSTANCE USE, BOARD ORDER, AND
11 NOTIFICATION OF ANY MEDICATIONS ORDERED BY THE PROVIDER. THE
12 NOTIFICATION SHALL BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S
13 ISSUANCE OF THE PRESCRIPTION.

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17 If Respondent has a lawful prescription for a controlled substance, Respondent shall
18 cause her prescribing provider to provide monthly reports to the Board regarding the continued need for
19 the prescribed narcotic or mood-altering medications within 7 days of the 30th day of each month. The
20 Board or its designee may, at any time, request the provider to document the continued need for
21 prescribed medications. Such report from the provider shall be received by the Board within 14 days of
22 the request. Respondent shall keep a written record of medications taken, including over-the-counter
23 drugs, and produce such record upon request by the Board or its designee.

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26 10. Relapse Prevention Evaluation

27 Eighteen (or as required by the Board) months prior to the termination of the Order or
28 as requested by the Board or its designee, Respondent shall be evaluated by a relapse prevention
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1 therapist, who is at minimum, Master's prepared. Respondent shall comply with any treatment
2 recommendations as recommended by the relapse prevention evaluator.

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4 If recommended by the evaluator, Respondent shall enroll in a relapse prevention
5 program or other recommended therapy within 30 days of being notified by the Board or its designee of
6 the recommendations from the evaluator. Respondent shall cause the program facilitator to inform the
7 Board, in writing and on letterhead, verification of enrollment in the program. Prior to entry into a
8 relapse prevention program or any type of other recommended therapy, Respondent shall provide a
9 copy of this Order to the program facilitator. Respondent shall sign release of information form(s) to
10 allow the facilitator to communicate information with the Board or its designee. Respondent shall
11 participate in the relapse prevention program or therapy until the Board receives written verification
12 from the facilitator that Respondent has successfully completed the program. During participation in
13 the program, Respondent shall cause the program facilitator to provide to the Board, in writing on
14 Board-approved forms, evidence of satisfactory attendance, participation, discharge, and successful
15 completion of the program. Reports are due on the first quarterly reporting date after entry into the
16 relapse prevention program and quarterly thereafter, according to schedule. Violation of this paragraph
17 is noncompliance with the Order.
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21 11. Notification of Practice Settings

22 Any setting in which Respondent accepts employment, which requires nursing
23 licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within
24 seventy-two hours of Respondent's date of hire, Respondent shall cause her immediate supervisor to
25 inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of
26 a copy of this Order and the employer's ability to comply with the conditions of probation. In the event
27 Respondent is attending a nursing program, Respondent shall provide a copy of the entire Order to the
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1 Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on
2 school letterhead, acknowledgment of the program's receipt of a copy of the Order and the program's
3 ability to comply with the conditions of probation during clinical experiences.
4

5 12. Quarterly Reports

6 Within 7 days of each assigned quarterly report due date, if Respondent is working in
7 any position which requires nursing licensure Respondent shall cause every employer Respondent has
8 worked for during the quarter to provide to the Board, in writing, employer evaluations on the Board-
9 approved form. The first report is due on the first assigned quarterly report due date after the date of
10 employment. Receipt of notice of an unsatisfactory employer evaluation, verbal or written warning,
11 counseling or disciplinary action, any of which pertain to patient care, practice issues, or termination
12 from a place of employment shall be considered as noncompliance. In the event Respondent is not
13 working in a position that requires nursing licensure, or attending school during any quarter or portion
14 thereof, Respondent shall complete and provide to the Board, in writing, a Board approved self-report
15 form.
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18 13. Practice Under On-Site Supervision

19 Respondent shall practice as a professional nurse only under the on-site supervision of a
20 professional nurse in good standing with the Board. On-site supervision is defined as having a
21 professional nurse present in the building while Respondent is on duty. The supervising nurse
22 shall have read this Order and shall provide input on Respondent's employer evaluations to the Board.
23 The supervising nurse shall be primarily one person, who may periodically delegate to other qualified
24 professional nurses who shall also have read this Order. In the event that the assigned supervising
25 nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause
26 her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledging
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1 the new supervisor's receipt of a copy of this Order and the new supervising nurse's ability to comply
2 with the conditions of probation within ten days of assignment of a new supervising nurse.

3 14. Acceptable Hours of Work

4 Respondent shall work only the day or evening shift. Evening shift is defined as a shift that
5 ends prior to midnight. Within a 14-day period Respondent shall not work more than 84 scheduled hours.

6 Respondent may work three 12-hour shifts in one seven day period and four 12-hour
7 shifts in the other seven-day period, but Respondent may not work more than 3 consecutive 12-hour
8 shifts during this probationary period. Respondent shall not work 2 consecutive 8 hour shifts within a
9 24 hour period or be scheduled to work 16 hours within a 24 hour period.

10 15. Registry Work Prohibited

11 Respondent may not work for a nurse's registry, home health, traveling nurse agency, any
12 other temporary employing agencies, float pool, or position that requires on-call status.

13 16. Out of State Practice/Residence

14 Before any out-of-state practice or residence can be credited toward fulfillment of these
15 terms and conditions, the Board must first approve out-of-state practice or residence.

16 17. Release of Information Forms

17 Applicant shall sign all release of information forms as required by the Board or its
18 designee and return them to the Board within 10 days of the Board's written request. If Applicant fails
19 to execute the releases, her license shall automatically be revoked.

20 18. Interview with the Board or its Designee

21 Respondent shall appear in person or if residing out of state, telephonically for
22 interviews with the Board or its designee upon request and with at least 2 days notice.

1 19. Renewal of License

2 If Respondent's professional nursing is expired at the time of the effective date of the
3 Order, Respondent must renew the license within 7 days of the effective date. In the event the
4 professional license is scheduled to expire during the duration of this Order, Respondent shall apply for
5 renewal of the professional license and pay the applicable fee before the expiration date. Failure to
6 renew within seven days of the effective date of this Order, if it is expired, or failure to renew a license
7 by the last date in which the license is to expire, shall be considered as noncompliance.
8

9 20. Change of Employment/Personal Address/Telephone Number

10 Respondent shall notify the Board, in writing, within 7 days of any change in nursing
11 employment, personal address or telephone number.
12

13 21. Obey All Laws

14 Respondent shall obey all federal, state and local laws, and all laws/rules governing the
15 practice of nursing in this state. Offenses or convictions such as driving under the influence may
16 subject Respondent to further disciplinary action. Minor civil traffic violations are excluded.
17

18 22. Costs

19 Respondent shall bear all costs of complying with this Order.
20

21 23. Voluntary Surrender of License

22 Respondent may, at any time this Order is in effect, voluntarily request surrender of her
23 license.
24

25 24. Violation of Probation

26 If during the stayed revocation portion of the Order Respondent is non-compliant with
27 the terms of the Order in any way, the stay of revocation shall be lifted and Respondent's license shall
28 be automatically revoked. If during the standard probation portion of the Order Respondent is
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1 noncompliant with the terms of the Order in any respect, the Board staff may notify the Respondent's
2 employer of the non-compliance. Additionally, the Board may revoke probation and take further
3 disciplinary action for noncompliance with this Order after affording Respondent notice and the
4 opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent
5 during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of
6 probation shall be extended until the matter is final.
7

8 25. Completion of Order
9

10 When Respondent has 9 months left in the probationary period, Respondent's
11 compliance will be reviewed by the Board's designee. If Respondent has demonstrated full compliance
12 with all terms of the Order, Respondent will be eligible to participate in a "step-down" component of
13 the Order where reports from AA and Nurse Recovery Group will no longer be required, and
14 Respondent shall submit to "on-call" urine drug screens as requested by the Board or its designee. At
15 the end of the probation period, Respondent shall request formal review by the Board, and, after formal
16 review by the Board, Respondent's nurse license may be fully restored by the appropriate Board action
17 if compliance with the Board Order has been demonstrated.
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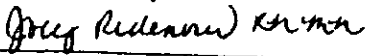
19 Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing or
20 review within 30 days after service of this decision with the Arizona State Board of Nursing. The
21 motion for rehearing or review shall be made to the attention of Susan Barber, R.N., M.S.N., Arizona
22 State Board of Nursing, 4747 North 7th Street Ste 200, Phoenix AZ 85014. For answers to questions
23 regarding a rehearing, contact Susan Barber at (602) 889-5161. Pursuant to A.R.S. § 41-1092.09(B), if
24 Respondent fails to file a motion for rehearing or review within 30 days after service of this decision,
25 Respondent shall be prohibited from seeking judicial review of this decision.
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1 This decision is effective upon expiration of the time for filing a request for rehearing or review,
2 or upon denial of such request, whichever is later, as mandated in A.A.C. R4-19-609.

3 DATED 19th day of July, 2006.

4 ARIZONA STATE BOARD OF NURSING

5 SEAL

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7 
8 _____
9 Joey Ridenour, R.N., M.N.
10 Executive Director

11 COPIES mailed this 28th day of July, 2006, by Certified Mail No. 7005 1820 0007 1873 7578 and First
12 Class Mail to:

13 Linda Rae Romine
14 974 W Yavapai Ln
15 Lakeside AZ 85929

16 COPIES mailed this 28th day of July, 2006, by Certified Mail No. 7005 1820 0007 1873 7585 and First
17 Class Mail to:

18 Linda Rae Romine
19 3980 W Linda Vista #12101
20 Tucson AZ 85742

21 COPIES of the foregoing mailed this 28th day of July, 2006, to:

22 Michelle L. Wood
23 Assistant Attorney General
24 1275 W. Washington, LES Section
25 Phoenix, AZ 85007

26 By: Vicky Driver
27
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EXHIBIT B
NOTICE OF REVOCATION

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF THE)	
DISCIPLINARY ACTION AGAINST)	
PROFESSIONAL NURSE LICENSE)	
NQ: RN090488)	NOTICE OF REVOCATION
ISSUED TO:)	
)	
<u>LINDA RAE ROMINE</u>)	

The Arizona State Board of Nursing hereby gives notice that the professional nurse license number RN090488, issued to Linda Rae Romine, is hereby revoked in accordance with the provisions of Consent Agreement and Order No. 05A-0407059-NUR and is effective upon the date of this Notice of Revocation.

Pursuant to R4-19-404(B), Linda Rae Romine may apply for reinstatement of said licenses after a period of five years.

DATED this 16th day of October, 2006.

ARIZONA STATE BOARD OF NURSING

SEAL



Joey Ridenour, R.N., M.N.
Executive Director

Dated: October 16, 2006

JR/EB:bs

COPY mailed this 16th day of October, 2006, by Certified Mail No. 7001 1940 0003 4511 6224
and First Class mail to:

Linda Rae Romine
974 West Yavapai Lane
Lakeside, AZ 85929

By: B. Sutter
Legal Secretary